



Staff Report

ZONING ORDINANCE AMENDMENT – SECTIONS 2.16 (DEFINITIONS – BEDROOM), 8.1.4 (PARKING - SCOPE OF REGULATIONS), 9.6.3 (ADDITIONS AND ALTERATIONS TO NONCONFORMING STRUCTURES), AND 23.5.4 (SPECIAL PROVISIONS – RESIDENTIAL DISTRICTS – PERMITTED SIGNAGE)

Honorable Mayor and Council Members:

Summary

On May 1, 2007, by a vote of 5 to 0 (two Commissioners absent), the Planning Commission adopted a resolution recommending amendments to Sections 2.16 (*Definitions – Bedroom*), 8.1.4 (*Parking - Scope Of Regulations*), 9.6.3 (*Additions And Alterations To Nonconforming Structures*), and 23.5.4 (*Special Provisions – Residential Districts – Permitted Signage*) of the Belmont Zoning Code to the City Council.

In brief, specific language changes are recommended relating to the “bedroom” definition (Section 2.16) to address potential creative labeling of proposed new floor area to avoid a required parking upgrade. Subsequent language modifications would also be beneficial to clarify how the City treats existing homes that already have four bedrooms, or exceed 3,000 square feet, and the necessity to assure complying parking in association with residential addition projects for such homes (Section 8.1.4).

The Council and Commission has also provided feedback to staff over the past several years relating to the Zoning Code regulations regarding additions and alterations to residential structures that are non-conforming (Section 9.6.3). Of particular concern is the allowance of a nonconforming setback to be continued for an R-1 structure via an addition, thereby increasing the intensity and development standard discrepancy of that residential property.

The Belmont Sign Ordinance (BZO Section 23) also presents difficulty relating to current provisions governing allowable signage within residential districts. The particular statute in question is Section 23.5.4 which outlines permitted size/type of signage for home occupations, churches, and conditionally permitted uses; this section however, is silent regarding non-commercial uses in the district.

In summary, the proposed text amendments are as follows:

1. Modifications to the “bedroom” definition (2.16)

2. Clarifying the “trigger” for residential addition projects (8.1.4):
 - associated with a four or more bedroom dwelling, or would result in four or more bedrooms
 - where a dwelling already exceeds 3,000 square feet, or would result in a dwelling becoming larger than 3,000 square feet
 - where two or more bedrooms are added to a dwelling
3. Modifications to the *Alterations and Additions to Nonconforming Structures* language in an R-1A, R-1B, and R-1C District (9.6.3); the text amendments illustrate, in particular, the disallowing of continuing a non-conforming setback and height of a residential structure in these districts.
4. The addition of text language (Section 23.5.4) permitting non-commercial signage in residential districts only to the same extent as permitted for conditional uses in the district.

At their 5/1/07 meeting, the Commission reviewed the content of the proposed language changes, provided text modifications, and directed staff to prepare a final Resolution reflecting the modified zoning ordinance language discussed at the meeting (See Attachment II). There were two members of the public that addressed the Commission at the May 1, 2007 public hearing held for review of the draft amendments.

Staff recommends the Council introduce the Zoning Code Amendments as presented in Attachment I. A copy of the May 1, 2007 staff report and meeting minutes is also attached to this report (See Attachment II). A public hearing has been noticed for this item.

Discussion

Zone Text Amendments

The May 1, 2007 Planning Commission recommended Zoning Code Amendments to the City Council for introduction and adoption are as follows (new text is denoted in bold *italics*, and text to be deleted is denoted in ~~strikeout~~):

1. Section 2.16 (Definitions - Bedroom):

*2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. **Within such residential structure, any second living or dining room, or any dens, studies, or other similar rooms which are-is capable of being used for sleeping quarters that contains a closet, or to which a closet could be added, shall also be considered a bedrooms.***

2. Section 8.1.4 (Parking - Scope of Regulations):

8.1.4 *At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure.*

Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when any of the following occurs:

- *600 or more square feet of gross floor area is added to the dwelling*
- *Any floor area modification **proposed to a home that is currently 3,000 square feet or larger, or that results in a dwelling becoming 3,000 square feet or larger***
- *Any floor area modification **proposed to a dwelling that currently has four or more bedrooms, or that results in an increase in the number of bedrooms from three or fewer to four or more***
- ***Two or more ~~than one~~ bedrooms are ~~is~~ being added to such dwelling unit, regardless of whether any existing bedrooms are eliminated***

Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

3. Section 9.6.3 (Alterations and Additions to Non-Conforming Structures):

9.6.3 *No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located. **For purposes of this section, additions in an R-1A, R-1B, or R-1C District shall comply with applicable current setback and height requirements.***

~~*(a) For the purpose of additions in an R-1A, B or C District, continuation of a setback that was legal at the time of the adoption of Ordinance No. 360 shall not be considered an increase in the discrepancy.*~~

4. Section 23.5.4 (Special Provisions – Residential Districts – Permitted Signage)

23.5.4 (a) *Home Occupation.* A nameplate not exceeding one (1) square foot in area is permitted for a home occupation.

(b) *Churches.* A church bulletin board not exceeding 12 (twelve) square feet in area is permitted, with letters not more than six (6) inches in height, not illuminated, which shall serve only to identify a church and announce its services and activities; and which shall be located in a required front or side yard, but not closer than ten (10) feet to any street line and no closer than five (5) feet to any side property line.

(c) *Conditional Uses.* An identification sign is permitted for an approved conditional use in an R-1 District located on the site of said conditional use, provided that the sign shall not exceed eight (8) square feet in area, shall not be illuminated, and shall have letters no more than six (6) inches in height and shall not be located in or project into a required front, side or rear yard; and further provided that when located on a building the sign shall be flat against a wall and not project above the cornice or roof line. When freestanding, any such sign shall be no more than four (4) feet above grade.

(d) *Non-commercial signs are allowed only to be up to 12 square feet in area, and shall otherwise comply with the placement requirements in subsection (c) above.*

Required Finding – Zoning Code Amendments

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1) that represents the objectives of the City’s zoning regulations:

1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.

Certain objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Council must determine that they are achieved by the proposed amendment language.

GENERAL PLAN COMMUNITY GOALS AND POLICIES

Goal 1015.2

“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.

Goal 1015.4

“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”

Policy 1016.1

“New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment.”

Policy 1016.2

“Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirement parking requirements, and traffic movements should be based on the following general principles:

- a. Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- b. The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- c. Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking noise, fire safety drainage, natural hazards, resource conservation and aesthetics.*
- d. Intensity of land use should be regulated according to the availability of community facilities and services.”*

The Planning Commission believes the proposed text revisions achieve these goals and policies. The Commission believes the aforementioned modifications to Sections 8.1.4 and 9.6.3 clarify development requirements for residential additions by:

- Providing clear direction to the applicant at the project design stage
- Strengthening the requirement to discontinue nonconformities associated with residential structures
- Promoting the two-car garage requirement along with the overall home design during the design review process
- Strengthening the requirement for, and allocating a portion of permitted floor area to be used toward, upgrading garages

The Planning Commission believes that a revision of the single family residential parking standards could lead to more on-site parking being provided with expansion of single family homes. The Commission further believes the recommended zone text modifications for the “bedroom” definition remove uncertainty in determining what constitutes a bedroom for purposes of residential additions. The amendments relating to the type/size of permitted signage in residential districts (23.5.4) provide consistency with other uses in the district.

The text amendment language regarding the treatment of nonconforming residential structures, and the amended “triggers” for required parking upgrades for single family residential projects

also provide for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- safe and efficient movement of goods and people
- location, timing, and design of new development
- compatibility, scale, and character of development
- intensity of property use

By establishing more current and comprehensive development standards for residential development, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. The Planning Commission further believes the draft amendment language would assist in maintaining local control over the size, scope, and character of residential addition projects and residentially zoned property. The proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

Environmental Clearance (CEQA)

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the increasing control this proposed amendment would place over single family residential addition projects, the Planning Commission has concluded that the proposed project would be Categorically Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

Fiscal Impact

None at this time.

Public Contact

1. The City placed a public notice display ad in the San Mateo Times (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on June 30, 2007, for the scheduled public hearing by the City Council on July 10, 2007.
2. This matter was placed on the agenda and posted as required by the California Government Code.

Conclusion/Recommendation

Based on the action taken at their May 1, 2007 meeting, the Planning Commission has concluded that the aforementioned amendments to Zoning Ordinance Sections 2.16 (*Definitions – Bedroom*), 8.1.4 (*Parking - Scope Of Regulations*), 9.6.3 (*Additions And Alterations To Nonconforming Structures*), and 23.5.4 (*Special Provisions – Residential Districts – Permitted Signage*) as discussed in this staff report achieves the objectives of the Zoning Plan and General Plan for the City. A Resolution recommending this position to the City Council is attached for Council consideration.

Alternatives

1. Table the Zoning Code Amendments at this time.
2. Disapprove the Zoning Code Amendments.
3. Refer back to staff for additional information.

Attachments

- I. Draft City Council Ordinance introducing Zone Text Amendments (First Reading)
- II. May 1, 2007 Planning Commission Staff Report, Meeting Minutes, and Adopted Planning Commission Resolution recommending Council Adoption of Zoning Code Amendments

Respectfully submitted,

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Jack R. Crist
City Manager

Staff Contact:

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(650) 595-7440
cdemelo@belmont.gov

PLEASE NOTE: Attachment II is not included as part of this document but is available on the City of Belmont Web site under the *Planning Commission Staff Reports & Minutes* links for the May 1, 2007 Commission Hearing. Please contact the Community Development Department at (650) 595-7417 for more information on viewing this attachment.

ATTACHMENT I - ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2.16 (DEFINITIONS – BEDROOM),

8.1.4 (PARKING – SCOPE OF REGULATIONS),
9.6.3 (ADDITIONS AND ALTERATIONS TO NONCONFORMING STRUCTURES),
& 23.5.4 (SPECIAL PROVISIONS – RESIDENTIAL DISTRICTS – PERMITTED SIGNAGE)
OF BELMONT ZONING ORDINANCE NUMBER 360

WHEREAS, on May 1, 2007, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Ordinance; and,

WHEREAS, on July 10, 2007, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned Zoning Code amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth; and,

WHEREAS, the City Council hereby adopts the staff report (dated July 10, 2007) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – *Actions of Regulatory Agencies for the Protection of the Environment*; and,

WHEREAS, the City Council after consideration of all testimony and reports, hereby determines that the proposed amendments to Sections 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive development standards for residential addition projects and residentially zoned uses, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the General Plan.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 2.16 (Definitions – Bedroom) of the Belmont Zoning Code be hereby amended to read as follows:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Within such residential structure, any second living or dining room, or any den, study, or other similar room which is capable of being used for sleeping quarters that contains a closet, or to which a closet could be added, shall also be considered a bedroom.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.1.4 (Parking - Scope of Regulations) of the Belmont Zoning Code be hereby amended to read as follows:

- 8.1.4 At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure.

Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when any of the following occurs:

- 600 or more square feet of gross floor area is added to the dwelling
- Any floor area modification proposed to a home that is currently 3,000 square feet or larger, or that results in a dwelling becoming 3,000 square feet or larger
- Any floor area modification proposed to a dwelling that currently has four or more bedrooms, or that results in an increase in the number of bedrooms from three or fewer to four or more
- Two or more bedrooms are being added to such dwelling, regardless of whether any existing bedrooms are eliminated

Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 9.6.3 (Additions and Alterations to Nonconforming Structures) of the Belmont Zoning Code be hereby amended to read as follows:

- 9.6.3 No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located. For purposes of this section, additions in an R-1A, R-1B, or R-1C District shall comply with applicable current setback and height requirements.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Code be hereby amended to read as follows:

23.5.4 (a) Home Occupation. A nameplate not exceeding one (1) square foot in area is permitted for a home occupation.

(b) Churches. A church bulletin board not exceeding 12 (twelve) square feet in area is permitted, with letters not more than six (6) inches in height, not illuminated, which shall serve only to identify a church and announce its services and activities; and which shall be located in a required front or side yard, but not closer than ten (10) feet to any street line and no closer than five (5) feet to any side property line.

(c) Conditional Uses. An identification sign is permitted for an approved conditional use in an R-1 District located on the site of said conditional use, provided that the sign shall not exceed eight (8) square feet in area, shall not be illuminated, and shall have letters no more than six (6) inches in height and shall not be located in or project into a required front, side or rear yard; and further provided that when located on a building the sign shall be flat against a wall and not project above the cornice or roof line. When freestanding, any such sign shall be no more than four (4) feet above grade.

(d) Non-commercial signs are allowed to be up to 12 square feet in area, and shall otherwise comply with placement requirements in subsection (c) above.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2007.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2007.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont